

Application No. 09/678,766  
Applicants: Albrecht Dorschner et al.  
Request for Reconsideration in Response to Office Action dated August 1, 2003

**Amendments to the Claims:**

The present listing of the claims replaces all past listings of the claims:

**Listing of claims:**

Claims 1 – 3. (Cancelled).

Claim 4. (Currently Amended)      An oil-in-water (O/W) emulsion comprising the following components:

- a)      an aqueous phase;
- b)      an oil phase;
- c)      one or more emulsifiers A, the lipophilicity of which emulsifiers A depend on the pH such that the lipophilicity is increased or decreased by raising or lowering the pH, it being unimportant whether an increase or decrease in lipophilicity is brought about by raising or lowering the pH; and
- d)      an amount of dihydroxyacetone effective to tan skin;

**whereby the O/W emulsion is obtained by a phase inversion induced by varying the pH.**

Claim 5. (Previously Presented)      The O/W emulsion according to claim 4, which further comprises one or more substances which are soluble or dispersible in the aqueous phase.

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Claim 6. (Previously Presented) The O/W emulsion according to claim 4, which further comprises one or more substances which are soluble or dispersible in the oil phase.

Claim 7. (Previously Presented) The O/W emulsion according to claim 4, which further comprises one or more water-in-oil (W/O) emulsifiers.

Claim 8. (Previously Presented) The O/W emulsion according to claim 4, wherein said one or more emulsifiers A are present in said emulsion in a concentration of 0.01-20% by weight based on the total weight of the emulsion.

Claim 9. (Previously Presented) The O/W emulsion according to claim 8, wherein said one or more emulsifiers A are present in said emulsion in a concentration of 0.05-10% by weight based on the total weight of the emulsion.

Claim 10. (Previously Presented) The O/W emulsion according to claim 9, wherein said one or more emulsifiers A are present in said emulsion in a concentration of 0.1-5% by weight based on the total weight of the emulsion.

Claim 11. (Previously Presented) The O/W emulsion according to claim 4, wherein the dihydroxyacetone is present in said emulsion in a concentration of 0.1-10% by weight based on the total weight of the emulsion.

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Claim 12. (Previously Presented) The O/W emulsion according to claim 11, wherein the dihydroxyacetone is present in said emulsion in a concentration of 0.5-6% by weight based on the total weight of the emulsion.

Claim 13. (Previously Presented) The O/W emulsion according to claim 4, wherein the lipophilicity of at least one of said one or more emulsifiers A depends on temperature in addition to pH, so that the lipophilicity thereof increases with increasing temperature and the hydrophilicity thereof increases with decreasing temperature.

Claim 14. (Currently Amended) An oil-in-water (O/W) microemulsion comprising the following components:

- a) an aqueous phase;
- b) an oil phase;
- c) one or more emulsifiers A, the lipophilicity of which emulsifiers A depend on the pH such that the lipophilicity is increased or decreased by raising or lowering the pH, it being unimportant whether an increase or decrease in lipophilicity is brought about by raising or lowering the pH; and
- d) an amount of dihydroxyacetone effective to tan skin;

whereby the O/W emulsion is obtained by a phase inversion induced by varying the pH.

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Claim 15. (Previously Presented) The O/W microemulsion according to claim 14, which further comprises one or more substances which are soluble or dispersible in the aqueous phase.

Claim 16. (Previously Presented) The O/W microemulsion according to claim 14, which further comprises one or more substances which are soluble or dispersible in the oil phase.

Claim 17. (Previously Presented) The O/W microemulsion according to claim 14, which further comprises one or more water-in-oil (W/O) emulsifiers.

Claim 18. (Previously Presented) The O/W microemulsion according to claim 14, wherein said one or more emulsifiers A are present in said microemulsion in a concentration of 0.01-20% by weight based on the total weight of the microemulsion.

Claim 19. (Previously Presented) The O/W microemulsion according to claim 18, wherein said one or more emulsifiers A are present in said microemulsion in a concentration of 0.05-10% by weight based on the total weight of the microemulsion.

Claim 20. (Previously Presented) The O/W microemulsion according to claim 19, wherein said one or more emulsifiers A are present in said microemulsion in a concentration of 0.1-5% by weight based on the total weight of the microemulsion.

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Claim 21. (Previously Presented) The O/W microemulsion according to claim 14, wherein the dihydroxyacetone is present in said microemulsion in a concentration of 0.1-10% by weight based on the total weight of the microemulsion.

Claim 22. (Previously Presented) The O/W microemulsion according to claim 21, wherein the dihydroxyacetone is present in said microemulsion in a concentration of 0.5-6% by weight based on the total weight of the microemulsion.

Claim 23. (Previously Presented) The O/W microemulsion according to claim 14, wherein the lipophilicity of at least one of said one or more emulsifiers A depends on temperature in addition to pH, so that the lipophilicity thereof increases with increasing temperature and the hydrophilicity thereof increases with decreasing temperature.

Claim 24. (Canceled).

Claim 25. (Withdrawn) A method of tanning skin comprising topically applying to skin an effective amount therefor of an emulsion according to any one of claims 4-23.

Claim 26. (Previously Presented) The O/W emulsion according to claim 4, wherein emulsifier A is selected from the group consisting of polyethylene glycol cetylstearyl ethers.

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Claim 27. (Previously Presented) The O/W emulsion according to claim 26, wherein emulsifier A is ceteareth-20.

Claim 28. (Previously Presented) The O/W microemulsion according to claim 14, wherein emulsifier A is selected from the group consisting of polyethylene glycol cetylstearyl ethers.

Claim 29. (Previously Presented) The O/W microemulsion according to claim 28, wherein emulsifier A is ceteareth-20.

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CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.